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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,300	12/11/2001	Mikel Gee	120723	1425

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JOHN S. BEULICK  
C/O ARMSTRONG TEASDALE, LLP  
ONE METROPOLITAN SQUARE  
SUITE 2600  
ST LOUIS, MO 63102-2740

EXAMINER
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KASENGE, CHARLES R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/683,300

Applicant(s)

GEE, MIKEL

Examiner

Charles R. Kasenge

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2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 5/2/05 have been fully considered but they are not persuasive. The objection of claims 1, 7, and 19 has been withdrawn. The Office reasserts that Welches et al. U.S. Patent Application Publication 2002/0036430 teaches storing power by at least one generator (pg. 1, paragraph 19 and pg. 3, paragraph 54) and a utility power source (pg. 3, paragraph 32) in an energy storage system (pg. 2, paragraph 25) when a supply of power to the at least one essential device is discontinued (pg. 6, paragraph 83). Welches teaches excess power being stored in an energy storage system (pg. 2, paragraph 25). It is commonly known that when loads are shed it is possible to have excess power, therefore the Office maintains that Welches teaches the aforementioned limitation.

Welches also discloses remotely removing power using the Internet (pg. 6, paragraph 84 and 85). The Office believes the use of Ethernet as opposed to the Internet to be an unpatentable and obvious distinction. Blackett et al. U.S. Patent 6,751,532 discloses remotely shedding loads (col. 5, lines 21-30) using instructions via Ethernet (col. 31, lines 53-55). The Office uses the Blackett reference to demonstrate that Ethernet has been used for load shedding which provides the benefits of LANs, such as improved security.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welches et al. U.S. Patent Application Publication 2002/0036430 in view of Blackett et al. U.S. Patent 6,751,562. Referring to claim 1, Welches discloses a method for supplying power, said method (abstract) comprising: supplying power to at least one critical device (pg. 2, paragraph 26 and 27); supplying power to at least one essential device (pg. 2, paragraph 26 and 27); remotely removing power to the at least one essential device while maintaining power to the at least one critical device (pg. 6, paragraph 82 and 83), wherein said remotely removing power comprises remotely removing the power on receiving an instruction to remotely discontinuing power (pg. 6, paragraph 84 and 85); and storing power supplied by at least one of a generator (pg. 3, paragraph 54) and a utility power source (pg. 3, paragraph 55) in an energy storage system when a supply of power to the at least one essential device is discontinued (pg. 7, paragraph 104). The Office interprets Welches' "non-critical loads" as essential but not critical loads since they can be shed. Therefore, with the determination of non-critical loads Welches implicitly discloses having critical loads that continue to be powered.

Referring to claims 2, 6, 13, 14, and 17, Welches discloses a method in accordance with claim 1 wherein remotely removing power comprises remotely removing power to the at least one essential device while maintaining power to the at least one critical device based on remotely monitoring the supplied power to the at least one critical device and the supplied power to the at least one essential device (pg. 6, paragraph 82-85). Welches discloses using a flywheel energy storage system to store energy (pg. 7, paragraph 104).

Referring to claims 7 and 19, Welches discloses an energy management system (abstract) comprising: a generation module including at least one of a utility power source and a generating power source (pg. 3, paragraph 54 and 55); a first set of at least one power distribution unit remote from said generation module and communicatively coupled to said generation module, wherein at least one of said at least one power distribution unit in the first set is connected to at least one essential device (pg. 2, paragraph 26 and 27); and a master control system remote from said generation module and said at least one power distribution unit in the first set, said master control system communicatively coupled to said generation module and said at least one power distribution unit in the first set (pg. 6, paragraph 84 and 85); and an energy storage system configured to store power supplied by at least one of said utility power source and said generating power source when said at least one power distribution unit in the first set discontinues supplying power to the at least one essential device (pg. 7, paragraph 104).

Referring to claims 8 and 9, Welches discloses a system in accordance with claim 7 wherein said generation module comprises at least two power sources, said master control system configured to remotely monitor and diagnose said at least two power sources (pg. 3, paragraph 54 and 55). Welches discloses a system in accordance with claim 7 wherein said system further comprises a second set of at least two power distribution units remote from said generation module and communicatively coupled to said generation module (pg. 3, paragraph 31), at least one of said at least two power distribution units within the second set connected to at least one critical device (pg. 3, paragraph 32), said master control system configured to remotely monitor said generation module and instruct said at least one power distribution unit in the first

set connected to the at least one essential device to stop supplying power to the at least one essential device (pg. 6, paragraph 84 and 85).

Referring to claims 10-12, Welches discloses a system in accordance with claim 7 further comprising a conditioning module communicatively coupled to said generation module and said master control system, said master control system configured to remotely condition power from said generation module (pg. 6, paragraph 84 and 85). Welches discloses system in accordance with claim 10 wherein said generation module comprises at least two power sources, said master control system configured to remotely manage which power source provides power (pg. 3, paragraph 54 and 55). Welches discloses a system in accordance with claim 11 wherein said at least two power sources comprises: said utility power source and said generating power source (pg. 3, paragraph 55).

Referring to claims 15, 16, 18, and 20, Welches discloses a system in accordance with claim 9 wherein said generation module comprises at least two power sources, said master control system configured to remotely manage which power source provides power to said power distribution units (pg. 6, paragraph 84 and 85). Welches discloses a system in accordance with claim 15 wherein said at least two power sources comprises: said utility power source and said generating power source (pg. 3, paragraph 55). Welches discloses a system in accordance with claim 16 further comprising an uninterrupted power supply (abstract). Welches discloses a system in accordance with claim 19 wherein said master control system configured to remotely monitor said generation module using a plurality of programmable logic controllers (pg. 6, paragraph 84 and 85).

Welches does not expressly disclose capturing a waveform for the power supplied by the

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devices and storing power. Referring to claim 3 and 4, Blackett discloses a capturing a waveform for the power supplied to a load (col. 4, lines 40-49). Referring to claims 6, 13, 14, and 17, Blackett discloses using a flywheel energy storage system to store energy (col. 26, lines 12-21). Also, Welches does not expressly disclose receiving instructions via Ethernet. Blackett discloses the use of Ethernet communication for a power distribution system (col. 15, lines 1-31 and col. 31, lines 53-55)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Ethernet to remotely communicate instructions for removing power and capture waveform data for the power supplied the load. One of ordinary skill in the art would have been motivated to do this since it is known that Ethernet connections allow for communication between remote areas and waveform data is usually captured to communicate power quality (col. 4, lines 40-49).

#### *Allowable Subject Matter*

4. Claim 4 is allowed.

#### *Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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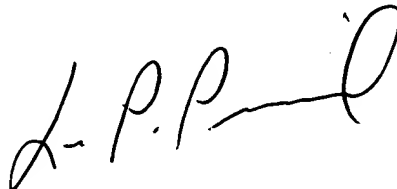
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK  
July 23, 2005



LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100